



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1648 Entitled, "An Ordinance Of The Lodi City Council Amending Lodi Municipal Code Title 17 - Zoning, Chapter 17.57, Thereby Adding Sections 17.57.170, 17.57.180 and 17.57.190 Relating to General Regulations and Exceptions"

MEETING DATE: June 4, 1997

PREPARED BY: City Clerk

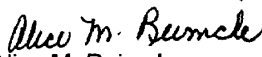
RECOMMENDED ACTION: Following reading by title, it would be appropriate for the City Council to adopt Ordinance No. 1648.

BACKGROUND INFORMATION: Ordinance No. 1648 entitled, "An Ordinance Of The Lodi City Council Amending Lodi Municipal Code Title 17 - Zoning, Chapter 17.57, Thereby Adding Sections 17.57.170, 17.57.180 and 17.57.190 Relating to General Regulations and Exceptions" was introduced at the regular City Council meeting of May 21, 1997.

Pursuant to State statute, ordinances may be adopted five days after their introductions following reading by title.

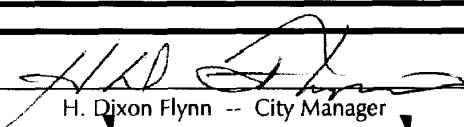
This Ordinance has been approved as to form by the City Attorney.

FUNDING: None required.


Alice M. Reimche
Acting City Clerk

Attachment

APPROVED: _____


H. Dixon Flynn -- City Manager

ORDINANCE NO. 1648

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING LODI MUNICIPAL CODE TITLE 17 - ZONING, CHAPTER 17.57,
THEREBY ADDING SECTIONS 17.57.170, 17.57.180 AND 17.57.190
RELATING TO GENERAL REGULATIONS AND EXCEPTIONS

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. Chapter 17.57 - General Regulations and Exceptions - is hereby amended by adding thereto three new sections to read as follows:

17.57.170 Enclosed Building Requirement.

Stores, shops or businesses permitted in any commercial or industrial district shall be conducted wholly within an enclosed building unless the specific use and zone permit otherwise. Vehicle sales lots, service stations, parking lots, small recycling collection facilities and those businesses that typically require outdoor storage or activities will be exempt from this requirement.

17.57.180 Refuse Container Storage and Collection Areas.

The following regulations shall apply to the garbage, refuse and recycling facilities on residential and commercial properties. Placement of such facilities within the public right-of-way is governed by Chapter 12.04 of this code.

- A. Roll-away and Portable Containers. All roll-away and other portable containers must be kept out-of-view from the public right-of-ways, excluding alleys, and may not be stored within the front yard setback.
- B. Dumpster Bins. All dumpster bin storage and refuse collection areas shall be screened from public view by a concrete block or masonry wall or in such a manner so that it is not visible from abutting public right-of-ways, excluding alleys. All storage and collection areas and enclosures shall be maintained in a sanitary condition and walls, roof coverings and doors to enclosures must be maintained in good condition and must be in working order.
- C. Exceptions. The following exceptions pertain to both commercial and residential garbage, refuse and recycling facilities:

1. Garbage, refuse and recycling storage containers can be placed out for collection, from 5:00 p.m. the day before garbage collection to 8:00 p.m. the day of garbage collection, in accordance with the requirements of the garbage collector.
2. Rented containers and dumpster bins can be placed in public view on private property for the duration of the special project, remodeling or construction project, or special event for which they are being used, but must be maintained in a sanitary condition and removed when filled to prevent overflow and blight.

17.57.190 Commercial Vehicles Parking in Residential Districts.

Vehicles which are strictly commercial in nature, such as tow trucks, ambulances, mini-buses, large delivery and/or service trucks, or similar vehicles, which have a gross load capacity greater than one and one-half (1 1/2) tons shall not be allowed to park on private property in residential zones unless the vehicle is placed out of public view and located behind the designated front setback line, or for the immediate loading or unloading of goods or people.

Section 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

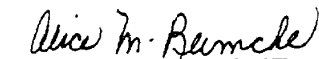
Approved this 4th day of June, 1997



PHILLIP A. PENNINO

Mayor

Attest:



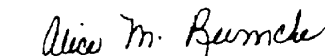
ALICE M. REIMCHE
Acting City Clerk

State of California
County of San Joaquin, ss.

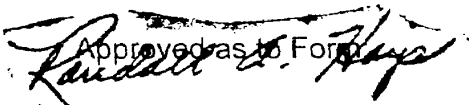
I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1648 was introduced at a regular meeting of the City Council of the City of Lodi held May 21, 1997 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held June 4, 1997 by the following vote:

Ayes:	Council Members - Land, Mann, Sieglock, Warner and Pennino (Mayor)
Noes:	Council Members - None
Absent:	Council Members - None
Abstain:	Council Members - None

I further certify that Ordinance No. 1648 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



ALICE M. REIMCHE
Acting City Clerk



Approved as to Form

RANDALL A. HAYS
City Attorney



CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: ORDINANCE NO. 1648 - AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING LODI MUNICIPAL CODE TITLE 17, et seq.

PUBLISH DATES: WEDNESDAY, JUNE 11, 1997

TEAR SHEETS WANTED: ONE

AFFIDAVIT AND BILL TO:

Alice M. Reimche
ALICE M. REIMCHE
ACTING CITY CLERK

DATED: JUNE 5, 1997

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

Susan Seward-Lake

SUSAN SEWARD-LAKE
ADMINISTRATIVE CLERK

RECEIVED

67-111-2 AN 10:13

ALAN R. PERIN
CITY CLERK
MAY 31 1997

May 30, 1997
1640 Lake Street
Lodi, CA 95242

TO THE MAYOR AND MEMBERS OF THE LODI CITY COUNCIL:

We in the City of Lodi have special days and hours for watering our lawns which I can understand to conserve our water supply.

We have a day in the week when our garbage is to be at the curb for pick up. That is also understandable in order to be picked up by areas.

Now you want our carts to be on the curbs during hours you specify; after 5 pm the day before pick up and before 8 pm on pick up day.

COME ON ----- THIS IS OVER REGULATING.


Jean Beckman